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5	UNITED STATES DISTRICT COURT		
6	WESTERN DISTRICT OF WASHINGTON AT SEATTLE		
7	ERIC MALKUCH,		
8	Plaintiff,		
9	V.	No. C07-1140MJP	
10	HOME DEPOT U.S.A., INC.,	ORDER REMANDING CASE TO STATE COURT	
11	Defendant.		
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13 14	On August 2, 2007, the Court issued an order directing Defendant to show cause why this case		
15	should not be remanded to state court under 28 U.S.C. § 1447(c) for lack of subject matter		
16	jurisdiction (Dkt No. 8) Defendant has filed a response to this order (Dkt. No. 10) to which		
17	Plaintiff has filed a reply (Dkt. No. 11). Having reviewed the parties' responses and the balance of the		
18	record, the Court finds and ORDERS as follows:		
19	(1) In its response to the show cause order. Defendant indicates that it "essentially has		
20	nothing further to add to its removal pleadings which cites verdicts and factual support for the basis of		
21	the removal." For the reasons stated in the August 2nd order to show cause, the Court is not satisfied		
22	that Defendant's removal pleadings demonstrate by a preponderance of the evidence that the amount		
23	in controversy in this matter exceeds \$75,000. Therefore, the Court finds that Defendant has not		
24	shown cause why this case should not be remanded to state court for lack of subject matter		
25	jurisdiction.		
	ORDER - 1		

1	(2) The Court ORDERS that this case be REMANDED to King County Superior Court	
2	pursuant to 28 U.S.C. § 1447(c) for lack of subject matter jurisdiction.	
3	(3) The clerk is directed to send copies of this order to all counsel of record.	
4	Dated: August 17, 2007.	
5	s/Marsha J. Pechman	
6	Marsha J. Pechman	
7	United States District Judge	
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